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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,176	07/09/2003	David Yekutiely	1066ANC-US-1	5887

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EXAMINER

MITCHELL, KATHERINE W

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,176

Applicant(s)

YEKUTIELY ET AL.

Examiner

Katherine W. Mitchell

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/24/04
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 26-29 and 31-35 is/are pending in the application.
- 4a) Of the above claim(s) 1-19 and 31-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-19, 26-29, and 31-35 are pending. Claims 20-25 and 30 have been canceled. Claims 1-19 and 31-35 have been withdrawn.
2. The examiner handling the case has been changed.
3. The indicated allowability of claims 26-29 is withdrawn in view of the newly discovered reference(s) to Price USP 1981525. Rejections based on the newly cited reference(s) follow.

Claim Objections

4. Claim 26 is objected to because of the following informalities: Applicant is claim an anchoring system comprising an anchor, a biasing device, and an apparatus adapted to perform many functions. This should properly be claimed as an anchoring kit, since the parts are able to stand alone. Appropriate correction is required.

Claim 26 is also confusing in that it is not clear if the apparatus is one apparatus or multiple apparatus. From the specification, page 12, it appears the apparatus is multiple apparatus – i.e., a driver with a drill bit, and a/the driver with an inserter and expander/contractor or a completely separate apparatus such as an actuator or motor. While a claim may be broad, it must clearly convey the metes and bounds of the structure claimed. Applicant is reminded that the method of using the device is not germane to the issue of patentability of the device itself.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Price USP 1981525.

Re claim 26: Price teaches an anchoring system comprising

- a. an anchor (casing is considered the anchor) with an expandable shank portion and a wedge arranged to wedge against the expandable portion (page 4 lines 63 – 122),
- b. a power-driven biasing device adapted to exert an outwardly directed expanding force on said expandable portion (water pump page 4 lines 80-133)
- c. apparatus for drilling at least one hole (drill bit / rod 10. page 3 lines 3-14), insert said anchor in at least one said hole (page 4 lines 39-59) and selectively expand and contact said expandable portion of said anchor (page 4 lines 83-133)
- d. wherein said biasing device comprises a fluid power biasing device (water is a fluid) and a pump (water pump page 4 lines 80-133).

Re claims 27-29: The system is taught as used down a well possibly 10,000 feet deep (page 2 lines 129-131), thus inherently, no one is able to manually watch and determine if the anchor is anchored in place. Page 4 lines 83-92 disclose water pressure building up and falling in the cylinder adjacent the head 12. This can only be determined by an indicator of some sort on the pump or the pumping system measuring fluid pressure at the expanding section, noting that page 5 lines 7-19 also disclose knowing the fluid pressure at the wedge.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price. As discussed above, examiner believes the teaching of an indicator, being a pressure sensor sensing pressure applied to said wedge that cooperates with said pump to control pressure, is inherent in the teachings of Price. However, if it is held that this teaching is not inherent, it would have been obvious to one of ordinary skill in the art, having the teachings of Price before him at the time the invention was made, to modify Price to include pressure monitoring and control of the water pressure at the expended section at the wedge, in order to ensure that the expansion was complete before moving on to another section, and ensuring that overpressurization did not occur which could damage both the pump and the associated water tubing. One would have been motivated to make such a combination because water pumps are standardly equipped with pressure monitoring and control systems for both safety and performance, especially since the conditions in Price prohibit manual observation and control, and Price is clear that there has to be knowledge of the water pressure to ensure expansion and release/contraction.

Conclusion

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9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 703-305-6713. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kwm
12/7/2004


JJ Swann
Supervisory Patent Examiner
Technology Center 3600